**Remarks/Arguments**

The final Office action mailed January 10, 2007, has been carefully considered. In light of the Examiner's rejections set forth in the action, the claims have been amended to more distinctly claim the present invention. Even in light of these amendments, no new matter has been added. It would be appreciated if the Examiner would acknowledge acceptance of these amendments in the next office action.

***Claim Rejections - 35 USC § 103***

The Examiner has rejected claims 1, 3, 4, and 6 under 35 U.S.C. § 103(a) as being unpatentable over Richardson et al. (GB 2134393). However, the Richardson reference does not teach or suggest every claim element of at least amended claim 1, namely a breathing apparatus having a tubular body that is "axially compressible to form a substantially flat unit without significant elongation in length." Thus, for the reasons set forth in detail below, withdrawal of this rejection is respectfully requested.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or

motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference or combination of prior art references, must teach or suggest all the claim limitations.

In this case, the Richardson reference does not teach every claim limitation of amended claim 1 and those claims depending therefrom. Specifically, the Richardson reference does not disclose a tubular body that is "axially compressible to form a substantially flat unit without significant elongation in length." As the Examiner pointed out in the Office action, Richardson discloses a an air tube 16 that is preferably formed of a flexible plastic material, such as polyvinylchloride. Thus, according to the Examiner, the air tube 16 is tube is expandable and compactable.

While the Examiner is correct that the flexible nature of the material of the air tube 16 allows the tube 16 to be compacted in certain directions, the flexible nature alone does not render the air tube 16 <u>axially</u> compressible in an accordion-like manner. For example, a flexible plastic tube will compress <u>longitudinally</u> into a flat structure when subjected to a force that is perpendicular to a longitudinal axis. However, a

flexible plastic tube, without more, will not compress axially when a longitudinal force is applied. Thus, when an axial force is applied to the air tube 16 disclosed in the Richardson reference, there is no indication that the tube 16 will collapse in a bellow-like manner. On the other hand, when an axial force is applied to the tubular body of the present invention, the tube is axially compressed from an elongated position shown in Fig. 3B to the storage position shown in Fig. 3A. Since the Richardson reference does not teach a breathing apparatus having a tubular body that is "axially compressible to form a substantially flat unit without significant elongation in length," withdrawal of this rejection is respectfully requested.

In addition to lacking every claim element, the Richardson reference actually teaches away from a tubular body that is "axially compressible to form a substantially flat unit without significant elongation in length." As pointed out by the Examiner, the air tube 16 of the Richardson reference includes a plurality of ribs. However, as set forth in the specification, these ribs are utilized to provide "extra strength" to the air tube 16. Moreover, unlike a fold, a "rib" is typically an additional structure that is attached to an existing figure to give the figure extra support. Since the ribs strengthen the air tube 16, the ribs of the Richardson reference function completely

different than the folds of the tubular body of the present invention, which allow the tubular body to be axially compressed in an accordion-like manner. Since the Richardson reference discloses providing strength to an air tube, not providing flexibility, the Richardson reference teaches against a tubular body that is axially compressible to form a substantially flat unit without significant elongation in length, as required by at least amended claim 1. Thus, withdrawal of this rejection is respectfully submitted.

The Examiner has also rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Richardson in view of Smith (US 5,377,670). According to the Examiner, Richardson discloses all of the limitations of claim 5, except for a "helical strip arranged in the air channel, that in an elongated state substantially corresponds to the length formed by the air channel." Further, Smith teaches a corrugated tube, where the corrugations are provided along the length of the tube to facilitate bending or shaping the tube without risk of stopped gas flow. Thus, as asserted by the Examiner, it would have been obvious to one of ordinary skill in the art at th the time the invention to include an inner corrugated structure inside a tube

to prevent kinking of the tube.

However, the combined teachings of the Richardson and Smith references do not teach every element of claim 5. As discussed above, the Richardson reference lacks a teaching of a tubular body that is "axially compressible to form a substantially flat unit without significant elongation in length." Further, the Smith reference also lacks such a teaching. While Smith does disclose a tube having an inner corrugated structure that prevents kinking of the tube, Smith does not indicate that the inner corrugated structure can be axially compressed in an accordion-like manner. Since the combination of the Richardson and Smith patents do not teach every claim limitation, withdrawal of the rejection of claim 5 is respectfully requested.

In view of the foregoing, reconsideration of the objections and rejections is respectfully requested and favorable consideration and allowance of the claims solicited. Should the Examiner have any questions regarding this response, the amendments submitted herewith, or the allowability of the claims, it would be appreciated if the Examiner would contact the undersigned attorney of record at the telephone number provided below for purposes of facilitating prosecution of this application and for scheduling an interview, if necessary.

Respectfully submitted,

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By _____

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